



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,210	12/28/2001	Seiya Shimizu	FUJH 19.301	7375

26304 7590 03/29/2007
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

BEMBEN, RICHARD M

ART UNIT	PAPER NUMBER
----------	--------------

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/033,210

Applicant(s)

SHIMIZU, SEIYA

Examiner

Richard M. Bemben

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 18 January 2007 have been fully considered but they are not persuasive.
2. **[Claim 1]** Applicant amended claim 1 attempting to overcome the 35 U.S.C. 103(a) rejection as being unpatentable over Murphy in view of Fukushima et al. ("Fukushima"). Applicant argues that Fukushima teaches packet retransmission while performing real-time transmission, and in contrast amended claim 1 is directed to a system in which after real-time transmission is ended, the camera terminal equipment retransmits lost packets, which are stored in the camera terminal equipment and have been lost during transmission to the moving image storage server.
3. Referring to Fukushima, consider at least the situation when the last packet(s) of data from real-time transmission are lost. The real-time transmission is completed after the last packet(s) is initially transmitted; however since the last packet(s) were lost, they are retransmitted. Therefore, Fukushima discloses retransmitting lost packets after real-time transmission of the packets is ended.
4. Also, as amended claim 1 requires, "after real-time transmission of *the packets* from the camera terminal equipment is ended". Claim 1 does not require after real-time transmission of *all the packets* from the camera terminal to be ended. "*the packets*" could at least be interpreted as any packets that are transmitted in real-time.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (US 6,564,380) in view of Fukushima et al. (US 6,587,985).**

Regarding **claim 1**, Murphy discloses a network storage type video camera system comprising: camera terminal equipment (transmitter) for generating moving image data (c. 6, ll. 25-64; c. 7, ll. 49-53; c. 7, l. 61 – c. 10, l. 36; Fig. 2); a network (c. 6, l. 65 – c. 7, l. 15); and a moving image storage server (receiver) connected to the camera terminal equipment through the network, wherein the camera terminal equipment converts the generated moving image data into packets to transmit in real time to the moving image storage server (c. 10, l. 37 – c. 12, l. 11; Fig. 3). However, Murphy does not disclose that the moving image storage server stores received packets and then reports reception packet information on the received packets to the camera terminal equipment; and further, after real-time transmission from the camera terminal equipment is ended the camera terminal equipment retransmits lost packets having been lost during the transmission to the moving image storage server, based on the reception packet information reported from the moving image storage server, so that the moving image storage server obtains the complete moving image data composed of the received and stored packets and retransmitted lost packets.

Fukushima et al. disclose an apparatus that captures and transmits streaming/real-time video (c. 14, ll. 9-36; c. 21, l. 33 – c. 22, l. 30; Fig. 10) to a receiver

(c. 22, ll. 35-56; Fig. 11). Fukushima et al. further discloses that receiver stores received packets and then reports reception packet information on the received packets to the transmitter; and further, after real-time transmission of the packets is completed, the transmitter equipment supplies one or more lost packets having been lost during the transmission to the receiver, so as to complement the lost packets according to the reported reception packet information (c. 22, l. 52 – c. 23, l. 65; Fig. 12; note, claim is does not require the limitation “after real-time transmission of all packets is completed”, regardless, S5 in Fig. 12 could be considered as last packet to be transmitted).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit packets in real-time to a receiver and supply lost packets based on reception packet information as disclosed by Fukushima et al. in the network storage type video camera system disclosed by Murphy in order to ensure that all packets are transmitted to the receiver.

Regarding **claim 4**, refer to the rejection of claim 1 and Fukushima et al. further disclose a drive mechanism for receiving memory medium to store the packets being supplied to the moving image sever after the completion of the real-time packet transmission to complement the lost packets having been lost during the real-time transmission (Fig. 10, “17a”; Examiner interprets “a drive mechanism for receiving a memory medium” as any wired connection that allows stored data to be transported, therefore the drive mechanism is inherent to buffer 17a); and in the moving image storage server, a drive mechanism for receiving the memory medium to read in stored

(all) packets (c. 11, ll. 1-4; server 310 has data storage 350 which inherently has some sort of drive mechanism for the memory).

Regarding **claim 5**, refer to the rejection of claim 1 and Fukushima et al. further disclose a transmitter that comprises a storage means for storing packets for real-time transmission, from which lost packets to be supplied after the completion of the real-time packet transmission are obtained by deleting from the storage means the packets having been received by the receiver according to the reception packet information reported from the receiver (c. 16, ll. 47-60).

7. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Fukushima et al. in further view of Miller et al. (US 6,978,306).

Regarding **claim 3**, Murphy in view of Fukushima et al. discloses a network storage type video camera system with packet re-transmission capability (refer to the rejection of claim 1). However, Murphy in view of Fukushima et al. does not disclose that the moving image storage server (receiver) restores the moving image data using both the packets being stored during the real-time packet transmission and the lost packets being supplied from the camera terminal equipment after the real-time transmission is complete.

Miller et al. disclose a real-time video stream distribution network comprising transmitters and receivers (c. 1, l. 65 – c. 2, l. 18; Fig. 1). Miller et al. further disclose

Art Unit: 2622

packet retransmission due to a packet being lost or corrupted and that the receiver restores the moving image data using both the packets being stored during the real-time packet transmission and the lost packets being supplied from the camera terminal equipment after the real-time transmission is complete (c. 3, l. 55 – c. 4, l. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to restore the moving image data as disclosed by Miller et al. in the network storage type video camera system disclosed by Murphy in view of Fukushima et al. so that the moving image is complete and its quality is maintained.

Regarding **claim 8**, refer to the rejection of claim 3 and Miller et al. further discloses a moving image regeneration terminal (Fig. 1, "108") being connected to the receiver (Fig. 1, "109") server through a network, for distributing to the moving image regeneration terminal a moving image being stored during the real-time recording, and for distributing a restored moving image having no loss after the recording is completed (c. 3, ll. 55-61).

Allowable Subject Matter

8. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Bembien whose telephone number is (571) 272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMB
3/21/07

RMB
3/21/07


TUAN HO
PRIMARY EXAMINER